

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL ACTION
EX REL. ROBERT WARNER	:	
	:	
v.	:	
	:	
THE FOOD TRUST, INCORPORATED,	:	
R. DUANE PERRY, SANDRA SHERMAN,	:	
THE BOARD OF DIRECTORS OF THE	:	
FOOD TRUST, CAROLYN LATIMORE,	:	
JILL HORN, PETER CARACCI and	:	
MICHAEL CINQUE	:	No. 06-cv-00311-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 11, 2009

Plaintiff has filed a motion for clarification of this Court's Order dated February 17, 2009, "or, in the alternative, motion pursuant to Fed. R. Civ. P. 56(f)." As I understand it (and I am not sure that I do), the plaintiff contends that he needs more time before being able to comply with the Order referred to.

Plaintiff has already had a considerable period of time in which to conduct discovery, and my February 17, 2009 Order allows him a further 90 days in which to comply with that Order. This case has been pending since 2006. By this time, plaintiff should be in a position to satisfy the essential thrust of this Court's February 17 Order, namely, (1) plaintiff should be able to show that plaintiff-relator was the source of information establishing the fraudulent nature of one or more claims made for payment from the Federal Treasury, by someone; and (2) that one

or more identifiable claims were in fact made for payment by the federal government. This Court's February 17 Order did not require complete information as to any such fraudulent claims that may have been made - simply enough information to show that there might be a colorable basis for this lawsuit. The motion for clarification will therefore be denied.

An Order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL ACTION
EX REL. ROBERT WARNER	:	
	:	
v.	:	
	:	
THE FOOD TRUST, INCORPORATED,	:	
R. DUANE PERRY, SANDRA SHERMAN,	:	
THE BOARD OF DIRECTORS OF THE	:	
FOOD TRUST, CAROLYN LATIMORE,	:	
JILL HORN, PETER CARACCI and	:	
MICHAEL CINQUE	:	No. 06-cv-00311-JF

ORDER

AND NOW, this 11th day of March 2009, upon
consideration of plaintiff's motion for clarification of this
Court's Order of February 17, 2009, and the alternative motion
pursuant to Fed. R. Civ. P. 56(f), and defendants' response, IT
IS ORDERED:

That plaintiff's motion is DENIED.

BY THE COURT:

/s/ John P. Fullam

John P. Fullam, Sr. J.